

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 6/30/2021

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AYLEEN L. JAMES,

Plaintiff,

-v-

BOROUGH OF MANHATTAN COMMUNITY  
COLLEGE CITY OF UNIVERSITY OF NEW YORK, et  
al.,

Defendants.  
-----X

20-cv-10565 (LJL)

ORDER OF SERVICE

LEWIS J. LIMAN, United States District Judge:

Plaintiff Ayleen L. James filed this *pro se* action on December 14, 2020. By order dated January 5, 2021, the court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* ("IFP").

At the initial pretrial conference on June 25, 2021, the Court set a deadline of August 20, 2021 for Plaintiff's opposition to Defendants' motion to dismiss and a deadline of September 3, 2021 for Defendants to reply. The Court stayed discovery during the pendency of the motion to dismiss. The Court also stated it would add the City University of New York as a defendant.

Under Rule 21 of the Federal Rules of Civil Procedure, the Court, on its own motion, "may at any time, on just terms, add or drop a party." Fed. R. Civ. P. 21. This rule "afford[s] courts discretion to shape litigation in the interests of efficiency and justice." *Anwar v. Fairfield Greenwich, Ltd.*, 118 F. Supp. 3d 591, 618-19 (S.D.N.Y. 2015). Because the allegations in the complaint also concern the City University of New York, *see Goldstein v. Borough of Manhattan Comm. College*, 2013 WL 3784146 (S.D.N.Y. July 18, 2013) ("BMCC is a CUNY community

college.”), the Court will exercise its discretion to add City University of New York as a defendant.

As Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service. *See Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the Court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service of the complaint on City University of New York, the Clerk of Court is instructed to fill out U.S. Marshals Service Process Receipt and Return forms (“USM-285 forms”) for this defendant. The Clerk of Court is further instructed to issue a summons for City University of New York, and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service of the complaint on those defendants.

### **CONCLUSION**

The Court directs the Clerk of Court to mail a copy of this Order to Plaintiff, together with an information package.

The Court also directs the Clerk of Court to add City University of New York as a defendant in this action and to amend the case caption. Fed. R. Civ. P. 21.

The Court further directs the Clerk of Court to (1) issue a summons for City University of New York, (2) complete USM-285 forms with the service addresses for this defendant, and (3) deliver all documents necessary to effect service on this defendant to the U.S. Marshals Service.

The Court directs City University of New York to comply with Local Civil Rule 33.2 within 120 days of service of the complaint.

SO ORDERED.

Dated: June 30, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "L. Liman", written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge

## **DEFENDANTS AND SERVICE ADDRESSES**

1. Correctional Officer Donohue, Badge # 303  
Orange County Jail  
110 Wells Farm Road  
Goshen, New York 10924
2. Correctional Sergeant Colby  
Orange County Jail  
110 Wells Farm Road  
Goshen, New York 10924
3. The County of Orange  
Law Department  
255-275 Main Street  
Goshen, New York 10924